

not sure I understand the particular situation that you're discussing. Certainly, game and parks...are you talking about game and parks now, or cities?

SENATOR HILLMAN: Game and parks.

SENATOR BEUTLER: Game and parks certainly has the right, right now, to come in and request an instream flow right for either recreational or fish and wildlife purposes. And beyond that, what was your question then?

SENATOR HILLMAN: Senator Wickersham might be able to help, because it's in his district. I was wondering what the difference was in what they do in Box Butte and what they can currently do throughout the state. Senator Wickersham, could you answer that.

SENATOR WICKERSHAM: I'm sorry, Senator Hillman, I was...

SPEAKER BAACK: Senator Wickersham.

SENATOR WICKERSHAM: I was diverted and I don't have the benefit of your whole question.

SENATOR HILLMAN: Box Butte Reservoir, outside Hemingford,...

SENATOR WICKERSHAM: Yes.

SENATOR HILLMAN: ...they maintain a level of water in that lake, game and parks do, because they bought water rights to do that. And that's the only place that I know that they've done that in the state. How does that differ in being able to request instream flows that they can do on other parts of the river, or tributaries to the North Platte, or what have you?

SENATOR WICKERSHAM: Well, one way I would suggest that it could be different is if you have an instream appropriation that has a priority date, and as long as your instream right...

SPEAKER BAACK: One minute.

SENATOR WICKERSHAM: ...is being serviced by the service in the stream, based on your priority date, you don't need to do anything. If you need water that is in excess of your appropriation, then you could...some entities have the authority